

# SHEEHAN PHINNEY

Robert R. Lucic, Esq.  
Direct Dial: 603-627-8188  
rlucic@sheehan.com

1000 Elm Street, 17<sup>th</sup> Floor  
Manchester, NH 03101

May 19, 2025

Hon. Gregory H. Woods, U.S.D.J.  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 5/19/2025

**MEMORANDUM ENDORSED**

*Via ECF*

Re: Gulati v. Novocure Inc.  
Case No. 1:23-cv-3308-GHW

Dear Judge Woods,

This firm represents Defendant Novocure, Inc. in the above-captioned matter. Pursuant to Rule 7.1(d) of the Local Rules of the Southern District of New York, Defendant respectfully submits this letter-motion requesting that Tricia Spurgeon, a non-party witness, be permitted to testify remotely via videoconference at trial scheduled to begin on June 9, 2025.

Ms. Spurgeon is an important witness for Defendant and has been identified as a witness for Plaintiff. However, contrary to Defendant's prior understanding, Ms. Spurgeon will be outside of the United States during the trial period due to long-scheduled travel and will be unable to appear in-person without significant hardship. As such, Defendant respectfully requests the Court's permission for Ms. Spurgeon to appear and testify via videoconference on or about June 11, 2025.

Defendant believes that remote testimony will not prejudice any party, instead it will promote justice by providing access to material testimony. Plaintiff assents to the requested relief as described herein.

Sincerely

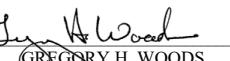
/s/ *Robert R. Lucic*  
Robert R. Lucic

cc: Alex Rissmiller, Esq. (*via ECF*)

Fed. R. Civ. P. 43(a) provides that a witness may testify remotely "[f]or good cause in compelling circumstances and with appropriate safeguards." The Court requires additional information from the parties before acting on this motion: namely, where Ms. Spurgeon will be and whether the local laws of that jurisdiction limit a person situated in that jurisdiction from testifying in a United States judicial proceeding. Supplemental briefing from the parties is due no later than May 22, 2025.

SO ORDERED.

Dated: May 19, 2025  
New York, New York

  
GREGORY H. WOODS  
United States District Judge